

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

2005 JUL 18 AM 9:02

*MW*  
CLERK  
SO. DIST. OF GA.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

FREDDIE IRVIN, )  
                        )  
Plaintiff,         )  
                        )  
v.                     ) CV 604-095  
                        )  
GERALD CASTON, et al., )  
                        )  
Defendants.         )

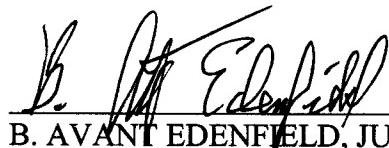
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**O R D E R**

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After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation to which objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Defendants' motions to dismiss for failure to state a claim are **GRANTED**, Defendants' motion to dismiss for failure to prosecute is **DENIED** as **MOOT**, and this case is **DISMISSED**.

SO ORDERED this 18 day of July, 2005.

  
B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT

**United States District Court**  
***Southern District of Georgia***

FREDDIE IRVIN

)

vs

CASE NUMBER CV604-095

GERALD CASTON, et al

DIVISION STATESBORO

)

The undersigned, a regularly appointed and qualified deputy in the office of the Clerk of this district, while conducting the business of the Court for said division, does hereby certify the following:

1. Pursuant to the instructions from the Court and in the performance of my official duties, I personally placed in the United States Mail a sealed envelope, and properly addressed to each of the persons, parties or attorneys named below; and
2. That the aforementioned enveloped contained a copy of the document dated July 18, 2005, which is part of the official record of this case.

Date of Mailing: July 18, 2005

Date of Certificate

same date,      or \_\_\_\_\_

Scott L. Poff, Clerk

By:

  
Deputy Clerk

Name and Address

Freddie Irvin, ID #260606, Georgia State Prison, 2164 GA Highway 147, Reidsville, GA 30499  
Andrew Marshall Magruder, Esq.  
Jesse Weatherspoon Owen, Esq.

- Copy placed in Minutes  
 Copy given to Judge  
 Copy given to Magistrate